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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,872	09/23/1999	RICHARD G. KETCHUM	09857/027001	5263

26161 7590 09/30/2004

FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KLB

**DETAILED ACTION**

1. This communication is responsive to Appellants' Appeal Brief filed on April 15, 2004.
2. The Appeal Brief filed on April 15, 2004 is defective for the following reasons.

The brief does not contain a correct dependency of the claims involved in the Appendix to the appeal brief. In particular Claim 7 is dependent on Claim 2, which has been canceled. Also the status of the claims in the brief does not indicate that claims 2 and 11 were canceled after the final office action. Status of amendments in the brief does not indicate that claims 2 and 11 were canceled in the amendment filed on January 10, 2004.

The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5).

See MPEP 1206 which specifically requires:

*(5) Summary of Invention. A concise explanation of the invention defined in the claims involved in the appeal. This explanation is required to refer to the specification by page and line number, and, if there is a drawing, to the drawing by reference characters. Where applicable, it is preferable to read the appealed claims on the specification and any drawing. While reference to page and line number of the specification may require somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application.*

Appellant is required to comply with provisions of 37 CFR 1.192(c).

APPLICANT IS REQUIRED TO SUPPLY THE NECESSARY COPIES WITHIN A TIME LIMIT OF ONE MONTH FROM THE DATE OF THIS LETTER OR WITHIN TWO MONTHS FROM THE DATE OF THE NOTICE OF APPEAL OR WITHIN THE TIME

Art Unit: 3624

ALLOWED FOR RESPONSE TO THE ACTION APPEALED FROM, WHICHEVER IS THE LONGER, TO AVOID DISMISSAL OF THE APPEAL. NO EXTENSION OF THIS ONE MONTH TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b), BUT THE TWO MONTH PERIOD FOR FILING THE BRIEF MAY BE EXTENDED TO A MAXIMUM OF SIX MONTHS.

*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft or Informal faxes to the Patent Office is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian  
September 22, 2004

Hani Kazimi  
Primary Examiner



**HANI M. KAZIMI**  
**PRIMARY EXAMINEE**